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UNITED STATES OF AMERICA,

Plaintiff,

v.

LISA KIM

Defendant.

CASE NO. 2:12-CR-113-JCM-VCF;
2:12-CR-114-JCM-VCF

UNOPPOSED MOTION TO CONTINUE SENTENCING

COMES NOW, the United States of America, by and through JEFFREY H. KNOX,
Chief, U.S. Department of Justice, Criminal Division, Fraud Section, and THOMAS B.W.
HALL, Trial Attorney, U.S. Department of Justice, Criminal Division, Fraud Section, and moves
to continue the sentencing hearing presently set for May 20, 2014, at the hour of 1:30 pm.

The parties respectfully request this Honorable Court to continue the Sentencing Hearing until at least January 5, 2015 to allow time for the defendant to complete her cooperation in the main HOA case set to go to trial on October 6, 2014.

This is the third request for a continuance of this Sentencing date.

Pursuant to General Order No. 2007-04, this Stipulation is entered into for the following reasons:

1 1. The defendant has entered a plea agreement with the United States that requires the
2 defendant to cooperate with the United States in connection with its ongoing investigation of a
3 fraudulent scheme involving Las Vegas Home Owners Associations. The defendant has begun to
4 cooperate with the United States in this investigation, which involves a number of potential co-
5 conspirators and targets.

6 2. The defendant's Plea Agreement affords the defendant potential consideration for
7 downward departures at the time of sentencing if the defendant has provided substantial
8 assistance to the United States, including the possibility of a United States Sentencing Guideline
9 (U.S.S.G.) § 5K1.1 Motion.

10 3. The United States anticipates future pleas, indictments and the possibility of one or
11 more trials of co-conspirators and targets. These events may allow the defendant the opportunity
12 to provide further cooperation as a witness, including the possibility of testifying at trial.
13 Specifically, trial is set for October 6, 2014 for nine co-defendants in *United States v. Benzer et*
14 *al.*, Case No. 2:13-cr-00018-JCM-GWF (Doc. No. 96.).

15 4. Counsel for the United States has spoken with counsel for the defendant and counsel
16 has agreed that the requested continuance is in the best interest of justice, and counsel does not
17 oppose the continuance sought herein. The defendant is not in custody.

18 5. Denial of this request for continuance would deny the parties sufficient time and
19 opportunity to develop the defendant's cooperation against the related co-conspirators and
20 targets and prepare related cases for prosecution.

21 6. Furthermore, denial of this request for continuance could result in a miscarriage of
22 justice.

23 7. The United States also requests an order to exclude the additional time requested by
24 this continuance in computing the time within which the trial herein must commence pursuant to
25 the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering the
26 factors under Title 18, United States Code, Section 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

1
2 DATED this 6th day of March 2014.

3 Respectfully submitted,

4 JEFFREY H. KNOX
5 Chief, U.S. Department of Justice
6 Fraud Section, Criminal Division

7 /s/ Thomas B.W. Hall
8 THOMAS B.W. HALL
9 Trial Attorney, U.S. Dept. of Justice
10 Criminal Division, Fraud Section
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PROPOSED ORDER

Based on the Government's pending Unopposed Motion to Continue Sentencing, and good cause appearing therefore, the Court hereby finds that:

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c. The United States anticipates several additional pleas, indictments and trials in related cases. Specifically, the defendant may be called to testify in *United States v. Benzer et al.*, Case No. 2:13-cr-00018-JCM-GWF, set for trial October 6, 2014.

d. The parties need additional time to prepare the defendant's cooperation against other co-conspirators and targets.

e. The defendant does not object to the continuance.

f. The defendant is out of custody.

3. For all the above-stated reasons, the ends of justice would best be served by continuing the Sentencing date.

4. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. Section 3161(h)(8)(A), considering the factors under 18 U.S.C. Sections 3161(h)(8)(B)(I) and (v).

ORDER

IT IS THEREFORE ORDERED that the Sentencing date currently set for May 20, 2014, is vacated and is continued. This delay is excluded from the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A).

IT IS FURTHER ORDERED that calendar call to determine order of sentencing is scheduled for January 19, 2015, at 9:00 a.m. in courtroom 6A.

DATED March 10, 2014.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)

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Plaintiff,)

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v.)

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CASE NO. 2:12-CR-113-JCM-VCF;
2:12-CR-114-JCM-VCF

LISA KIM)

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CERTIFICATE OF SERVICE

Defendant.)

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I, the undersigned, hereby certify that this pleading was filed with the clerk of court via ECF and will be served electronically via ECF on all parties that have entered their appearances in this case.

Dated: March 6th, 2014

JEFFREY H. KNOX
Chief, U.S. Department of Justice
Fraud Section, Criminal Division

/s/ Thomas B.W. Hall
THOMAS B.W. HALL
Trial Attorney, U.S. Dept. of Justice
Criminal Division, Fraud Section